

REMARKS

This is in response to the Office Action dated April 3, 2009. Applicant has amended the application as set forth above. All the features of the amended claims are fully supported by the originally filed application. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, Claims 1, 3, 4, 7, and 8 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Claim Objections

The Examiner objected Claims 1 and 4-7 because of informalities; not proper antecedent basis for "the envelope". In response, Applicant has canceled Claims 5 and 6, and amended Claims 1, 4 and 7 properly.

Claim Rejections under 35 U.S.C. §102

The Examiner rejected Claims 1-4 and 7-8 under 35 U.S.C. §102(b) as being anticipated by Nelson (US 6,316,081). Applicant respectfully disagrees with the Examiner. However, in order to clarify the inventive points of the present invention, Applicant has canceled Claim 2, and amended Claims 1, 3, 4, 7 and 8.

Claim 1 of Instant Application (*Emphasis added*)

A binder sheet, configured so that the binder sheet is removably inserted into a binder and is made of a transparent material, comprising:

a binding portion provided on a first side of the binder sheet;

a paper storing portion provided on a second side to store paper;

an upper horizontal band attached to an upper portion of the paper storing portion of the binder sheet, with left and right attachment lines vertically formed on left and right side edges of the upper horizontal band so as to keep an upper portion of the paper from loosening off the binder sheet; and

a lower horizontal band attached to a lower portion of the paper storing portion of the binder sheet, with left and right attachment lines vertically formed on left and right side edges of the lower horizontal band and a lower attachment line horizontally formed on a lower edge of the lower horizontal band so as to keep a lower portion of the paper from loosening off the binder sheet and falling downward through the lower horizontal band.

wherein the binder sheet exposes substantially large portions of the paper other than portions covered by the upper and lower horizontal bands and allows a user to write on the paper without taking the paper out of the binder sheet, and minimizes reflecting light from the binder sheet interfering viewing the paper.

The present invention is directed to a binder sheet having bands for holding papers, in which the bands cover only a portion of the paper to hold and expose the surface of the paper, so as to allow a user reach the exposed surface of the paper to write on etc., and prevent light reflecting from the glossy surface of the otherwise plastic pockets enclosing the paper completely as in the conventional binder envelopes.

In contrast, Nelson discloses a photographic jacket and album, which has at least one pocket (16). (See Abstract; Figs. 1-4) Since the at least one pocket (16) of the photographic jacket or album of Nelson encloses the photographic prints or papers completely, the pocket (16) does NOT anticipate the upper or lower horizontal bands (10, 10') of the present invention.

Furthermore, Nelson discloses neither an upper horizontal band for keeping a lower portion of the paper from loosening off the binder sheet and falling downward through the lower horizontal band nor a lower horizontal band for keeping a lower portion of the paper from loosening off the binder sheet and falling downward through the lower horizontal band.

Also, since Nelson's pocket (16) encloses the photographic prints completely, a user cannot reach the surface of the photographic prints or papers directly, for example, to write on, and the photographic prints are interfered by the reflecting surface of the pocket (16), obscuring the user's viewing of the photographic prints.

Therefore, the amended Claims 1, 3, 4, 7, and 8 are *not* anticipated by Nelson. Claim 2 has been canceled without prejudice, and the rejection to Claim 2 is now moot. Withdrawal of the rejections to Claims 1, 3, 4, 7, and 8 is respectfully requested.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Nelson in view of Werner et al. (US 5,709,496). In response, Applicant has canceled Claims 5 and 6 without prejudice. The rejections to Claims 5 and 6 are now moot. Withdrawal of the rejections to Claims 5 and 6 is respectfully requested.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that Claims 1, 3, 4, 7 and 8 are in condition for allowance, and such action is respectfully solicited, if required, under the *Examiner's Amendment*. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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